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WILL AND CODICIL OF

ALLEN C. LEWIS

Chicago
1877

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Will and Codicil

—OF—

ALLEN C. LEWIS.

I, ALLEN C. LEWIS, of the city, county and State of New York, being of a sound and disposing mind and memory, do hereby make and declare this my last Will and Testament, hereby revoking and annulling any and all wills and testaments by me at any time heretofore made.

FIRST.

It is my will that my funeral expenses and just debts be paid as soon as practicable after my decease.

SECOND.

I give, devise and bequeath to KATIE McCLURE and JESSIE McCLURE, daughters of *Dr. V. C. McClure*, of Chicago, Illinois, the sum of *One Thousand Dollars* each; to ADA HUNTER, daughter of *David Hunter*, late of Elgin, Illinois, the sum of *One Thousand Dollars*; to the TRUSTEES of EXCELSIOR LODGE No. 22, of the Independent Order of Odd Fellows, of Chicago, Illinois, the sum of *One Thousand Dollars*, to be placed to and in the Widows' and Orphans' Fund, of said Lodge; to the CHICAGO PROTESTANT ORPHAN ASYLUM, the sum of *Four Thousand Dollars*; to the HOME FOR THE FRIENDLESS, of Chi-

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cago, the sum of *Four Thousand Dollars*; to the OLD PEOPLES' HOME, of Chicago, the sum of *Four Thousand Dollars*; to ST. LUKE'S FREE HOSPITAL, of Chicago, Illinois, the sum of *Four Thousand Dollars*; to my brother, HENRY F. LEWIS, the sum of *Ten Thousand Dollars*.

THIRD.

I give and devise to my brother, HENRY F. LEWIS, in trust for my niece, HATTIE, daughter of my brother, *William N. Lewis*, and who is now married to *William Harris*, the sum of *Twenty Thousand Dollars;* to be safely and securely invested by him, and the proceeds thereof, as far as possible, to be reinvested from time to time, vesting said HENRY F. LEWIS with full power and discretion to use said income so as to be of the greatest benefit as he may think for the said HATTIE and her children, desiring that the same shall be used for their sole use and benefit: said fund to be held during the life of said HATTIE, and until her youngest child living shall arrive at the age of twenty-one years, when, if she is then dead, the said sum and accumulations (if any), to be divided equally between each of her children, share and share alike; in case of the death of either of her children, leaving heirs of their own body, then said heirs to take the portion of their deceased parent (as if living): but in case said Hattie should die without any child or children or descendants thereof, then said devise to revert back and pass to the Trustees hereinafter named, to be held by them in trust, as hereinafter specified, said property to go to her children or their descendants upon her death, or as soon thereafter as her youngest child shall arrive at the age of twenty-one years.

FOURTH.

I give and devise to my brother, HENRY F. LEWIS, in trust, the sum of *Fifteen Thousand Dollars*: the same to be safely and securely invested by him: the income thereof to be for the use and benefit of Miss GERTRUDE SPENCER, of Beloit, Wisconsin,

so long as she may live; it being my desire that she shall have and receive so long as she may live, the sum of One Thousand Dollars per annum, payable semi-annually; upon her death the principal (and interest, if any,) of said devise to revert to the Trustees hereinafter specified, for the uses and purposes set forth.

FIFTH.

It having long been my desire and design to in some manner provide for and assist those in need of an education, and who are so circumstanced in life as to be unable without aid and assistance to obtain the instruction and gain access to books and papers of art and science that their future advancement in life requires:

NOW, THEREFORE, I do give, devise and bequeath all the rest and residue of my estate, whether real, personal or mixed, and wherever situate, unto JAMES M. ADSIT, HENRY F. LEWIS, AND HUGH A. WHITE, of the county of Cook and State of Illinois, and their successors and assigns, forever, in trust for the several uses, intents and purposes hereinafter specified, viz: To keep and hold all the real estate that I may die seized and possessed of, or in any manner entitled unto, in the county of Cook and State of Illinois, until such times as hereinafter specified, and to lease the same upon such terms and conditions as they deem best. To invest or have invested all my personal estate in good notes, bonds or other available securities that are well secured: such as United States, Cook County, Chicago City, or good Railroad bonds, or personal bonds or notes, secured by real estate or good collaterals, for, during, and until A. D. 1885, or until such time as the sum of *Eight Hundred Thousand Dollars* can be realized out of my personal estate, invested as above set forth. When, it is my will and desire that such Trustees or their successors in trust shall thereupon proceed to construct a building on the premises hereby devised and known as lots *one* (1), *two* (2), *three* (3), *four* (4), *five* (5), and *six* (6), in block number *sixty-eight* (68), in the

original town, now city, of Chicago (unless it is deemed unadvisable, as hereinafter specified), to cost not over *Two Hundred and Fifty Thousand Dollars*; provided, however, that if for any reasons said Trustees shall deem it unadvisable, on account of high price of material, or of the insufficiency of said amount, to erect a suitable building, that then and in that case they shall proceed as soon thereafter as the times will permit, and two-fifths (2-5) of my said personal estate will be sufficient to erect and fully complete a building, ready for occupancy, as hereinafter specified.

I herewith leave to said Trustees authority to determine the exact heighth, size and proportions of said building, but desire that the same shall be a good, substantial, plain building, every way well constructed for use, utility and durability, and to be plainly and handsomely furnished inside and out, but all extra cost for fine and showy ornamentations or decorations to be studiously avoided.

I desire said building to be so constructed as to carry out two plans:

1st. In the erection thereof to make and devote as much as consistent thereof to general business purposes, so as to get as great an income therefrom as possible.

2d. To provide a large lecture room or hall, also a fine reading-room or rooms, and all necessary study rooms to carry out the plan hereinafter set forth: the said building when completed, together with the premises, to be forever devoted to the purposes herein specified, and thereafter to be known as the LEWIS INSTITUTE; and upon the completion thereof, said Trustees shall invest not over *Fifty Thousand Dollars* in the procuring of books, papers and pamphlets for the library and the necessary fixtures, designs and apparatus for the studies and other rooms: and the said Trustees shall procure all necessary librarians and teachers, &c., and adopt all necessary rules, regulations and bye laws for the management and government of

the officers, students and all persons visiting or otherwise attending said institution.

And it is my desire and design that said Trustees shall establish and maintain a regular course of Instruction at night, free to all who shall attend the same, pursuant to the rules and regulations of said institution, such course to be adapted as far as possible to the general uses and vocations of life, and of the kind and character not generally taught in the public schools of said city: and more particularly to the educating of persons in the special branches or studies that will be directly useful to them in their obtaining a position and occupation for life.

Also, to maintain and keep up a course of Free Lectures, devoted to the Arts, Sciences and Natural Philosophy, or in lieu thereof, Public Readings, or whatever other form of useful and instructive evening exercises may be found the best adapted from time to time to the wants of the public.

Also, to maintain and keep up a free Reading Room to be supplied with the standard newspapers and magazines of the day, and also the standard works on arts and sciences, and others particularly in keeping with the studies taught in said institution, avoiding, as near as may be, novels and sensational literature.

Also, to maintain a School for the instruction of respectable females, in different branches of art, science, design, &c.: the same to be adapted, as near as may be, to instructions in such branches of art, trade, designs, &c., as will enable them to gain a livelihood therefrom.

And as soon as the income from my said estate will justify such an outlay, I desire to have them establish and maintain a thorough POLYTECHNIC SCHOOL, and to do all in their power to make it second to none in the thoroughness and efficiency of the teaching therein:—this in no wise to interfere with the School for females, but may take the place for the course of night instructions above referred to, if said Trustees deem it best.

If said Trustees should deem it best to procure more land, to use in connection with said lots above described, on which said building is to be erected, then and in that case, I fully authorize and empower them to sell and convey or exchange any of my other real estate of like value therefor, and after the lapse of twenty years from my death, I hereby fully authorize them to sell and convey any or all of my real estate, wheresoever situate, except said lots above described, and whatever other lots (if any) are purchased and added thereto in said block. And after the lapse of twenty-five years from my death, if said Trustees or their successors should find that said lots and improvements thereon known as LEWIS INSTITUTE shall have become unfit for the purpose herein specified, and not at all adapted thereto, that then, and in that case, said Trustees or their successors may purchase other property in said city, and erect a suitable building thereon, to be known as LEWIS INSTITUTE, and to be held for the same uses and purposes, and upon the same trusts herein designated, and thereupon sell and convey said premises first above specified. Or, in case the building upon said lots should be destroyed by fire, and the locality thereof having thereby or prior thereto, become unfitted for the locality of said Institute, then and in that case, said Trustees or their successors, may sell any or all of said premises in said block, and reinvest same in some other good locality, in said city of Chicago, and rebuild said Institution as last aforesaid; but otherwise, in case of destruction by fire, said Institution shall be rebuilt on said premises first above described. But I further will, that if a majority of said Trustees or their successors shall decide before proceeding to erect said building on said lots first above described, that the locality thereof is unfitted for and not suitable for the erection of said building thereon, and they can procure another site better adapted thereto, by the sale and proceeds of said lots first named, and other real estate, not exceeding in value *Fifty Thousand Dollars*, then, and in that case, I fully authorize them to sell and convey said lots and other real estate, not exceeding

in value fifty thousand dollars, and with the same, purchase a site where a building thereon can be erected and rented advantageously for business purposes. Being desirous, as before stated, of procuring a good income from the building, in order to aid and assist said Institution.

In view of the mutability of human affairs, I shall have to trust to the judgment and discretion of said Trustees, to fix the amount to be devoted to each branch of said Institution from year to year: but it is my express will and desire that in no case shall the expenses exceed the income from my said estate, and that there shall each year be a surplus over the expenses, to be carried to a contingent account, to be used from time to time in expanding and developing the use and efficiency of said institution.

In case of the death, removal or refusal of either of said Trustees to act in the premises, I hereby authorize and empower the others to fill the vacancy: but in case of their inability, neglect or refusal so to do for sixty (60) days, or in case two or more thereof should refuse or be unable to act in the premises, then said vacancy to be filled by the Judges of the Circuit Court of Cook county, Illinois, from names of persons furnished them by said Trustees, or either of them, or their legal representatives, in case they are all deceased.

It is my will and desire, that upon the erection of said building, or upon proceeding so to do, that the Trustees herein, or those appointed in their stead, as above provided, upon their motion at either time they deem best, shall have the number of trustees herein increased to five in the same manner and way last above provided, viz: By the Judges of the Circuit Court of Cook county; and upon failure of Trustees to fill or have filled any vacancy in their board, for the space of one year, in manner and form as provided by their rules and by-laws, then and in that case said vacancy shall be filled by the Judges of the Circuit Court of Cook county, in manner as above provided, the Trustees appointed from time to time, as above specified, to have like power and authority in the premises, as

the trustees herein named. And it is my will and desire, that said Board of five Trustees, when duly organized, shall proceed to pass all necessary rules and by-laws relative to the election or selection of Trustees to fill vacancies in the Board, and also relative to the appointment and selection of other officers or employees to be connected with said institute; and also all necessary rules and regulations relative to the management and conducting of said Institute, providing that the schools and lectures shall be, 1st, for the residents of Cook county; then, in case there is room for others, 2d, for the residents of the State of Illinois, and if not then filled, 3d, for residents of any of the adjoining States. The Board of Trustees, however, to be the sole judges as to the admission of parties outside of class first named. And it is also my will and desire that said Board of Trustees shall include in their list of officers of said institution a Board of Directors or Managers, the presiding officer of the Board of Trustees to be *ex officio* presiding officer of the Board of Directors or Managers, which said last named Board to act under the direction and control of the Board of Trustees.

And it is also my desire, that all Trustees shall make an annual report to the Probate or County Court of Cook County, said report to be examined, and if found correct, to be approved by the Court, as reports in case of estates, and that such reports shall from time to time be duly entered of record in said Court for the inspection of all concerned. And that they shall procure whatever legislation they deem prudent and best for the interest of said Institution, but especially providing against its being controlled by or in the interest of any political party, or of any religious sect or denomination whatever, and for that reason particularly guarding every avenue that would tend in that way in the manner of selecting and appointing Trustees in the premises. And I will and desire, that in all cases Trustees shall be residents and freeholders of Cook County, aforesaid.

Said Trustees hereby or hereinafter appointed, are to hold

their positions during life or good behavior in office: but any failure to attend the meetings of said Board for six months, or their duties thereof for a like period, unless in case of sickness or temporary absence from the County, shall be taken and treated as a refusal to act, and a vacancy thereby occur: and any Trustee may at any time be removed and his successor appointed, as provided by the rules and regulations of said Institution, for good cause shown.

And the said Trustees are hereby expressly forbidden to mortgage or encumber any real, personal or mixed estate held by them in the premises, and also from making or incurring any indebtedness without funds provided to meet the same. They are at the same time required to keep well insured all insurable property belonging to said Institution, and to exercise the same care and prudence in the premises that a prudent business man would in the management of his own property, and no more.

In the admission of students, or in the selection of teachers and officers, or in any matter or thing pertaining to said Institution, said Trustees shall not make any discrimination or preference on account of the religious views, tenets or opinions, of any students, teacher, officer, or applicant of any kind. Nor shall they allow any doctrinal teachings in said institution.

And Lastly, I hereby constitute and appoint my brother, Henry F. Lewis, and Hugh A. White, of Cook county aforesaid, Executors of this my last Will and Testament, and also waiving all bonds of and from my said Executors, other than their personal bonds, as by law required.

In Witness Whereof, I, the said Allen C. Lewis, have hereunto set my hand, and affixed my seal, this twenty-third day of June, A. D. 1875. (Executed in duplicate.)

Allen C. Lewis. [*Seal.*]

Signed, sealed, published and declared, by the said Allen C.

LEWIS, as and for his last Will and Testament, in the presence of us, who in his presence, and at his request, and in the presence of each other, have subscribed our names as witnesses hereto.

VINCENT C. MCCLURE,
No. 229 Warren Avenue, Chicago.
ROBERT GENTRY,
Avenue House, Chicago.
SOLOMON H. THOMPSON,
46 Park Avenue, Chicago.

Proved and admitted to record in open Court, this 1st day of November, A. D. 1877.

M. R. M. WALLACE,
Co. Judge.

I, ALLEN C. LEWIS, being of a sound mind and disposing memory, do hereby make, publish and declare this a Codicil to the last Will and Testament by me made and declared, in duplicate, on the twenty-third day of June, A. D. 1875, in the presence of Vincent C. McClure, Robert Gentry and Solomon H. Thompson, who at my request subscribed said last Will and Testament as witnesses:

FIRST.

It is my will, and I hereby revoke and annul the bequest in the second section of my said last will and testament. "*To "the Trustees of Excelsior Lodge No. 22, of the Independent Order "of Odd Fellows, the sum of One Thousand Dollars, to be placed to "and in the Widows' and Orphans' Fund of said Lodge,*" and in lieu, place and stead of said bequest, so revoked as last aforesaid, I give and bequeath to the TRUSTEES OF EXCELSIOR LODGE No. 22, of the City of Chicago, in the county of Cook, and State of Illinois, of the Independent Order of Odd Fellows the sum of *Five Hundred Dollars*, to be placed to and in the Widows' and Orphans' Fund of said Lodge.

SECOND.

I give and bequeath to the TRUSTEES OF THE EIGHTH PRESBYTERIAN CHURCH, of the City of Chicago, aforesaid, the sum of *Five Hundred Dollars.*

THIRD.

It is my will, that the several bequests made and mentioned in the second and third sections of my aforesaid Will, and in the first and second sections of this Codicil thereto, be paid by my executors in said Will appointed, out of and from the income of my said estate, as soon after my decease as circumstances will permit, and in no event shall any of said bequests be paid from or out of the principal of my said estate, but the same shall be held and kept intact by my said executors.

FOURTH.

The fourth section of my aforesaid Will and Testament giving and devising to my brother, HENRY F. LEWIS, in trust, the sum of *Fifteen Thousand Dollars*, to invest the same and use the income thereof for the use and benefit of Miss Gertrude Spencer, is hereby canceled, revoked and annulled, and the sum in said bequest mentioned is to be taken and become a part and portion of my residuary estate in said Will mentioned.

FIFTH.

I give and bequeath to the aforesaid MISS GERTRUDE SPENCER, of Beloit, Wisconsin, for the term of her natural life, an annuity of *One Thousand Dollars*, the same to be paid her by the Executors of my said last Will, in semi-annual installments of *Five Hundred Dollars* each: *Provided*, that the settlement of my said estate shall not be delayed on account or by reason of said annuity, but that the same shall be closed and settled as speedily as possible; and that upon the settlement of my said estate, and the transfer of my said residuary estate to the residuary devisees and Trustees in said Will named, said residuary devisees and Trustees shall pay said annuity in manner

and form as aforesaid; and said annuity is hereby made and declared to be a charge upon said residuary estate in said Will mentioned.

SIXTH.

It is my will that the following clause in the fifth section of my aforesaid Will, viz:

"*To invest or have invested, all my personal estate in good notes, bonds, or other available securities that are well secured, such as United States, Cook County, Chicago City, or good Railroad Bonds, or personal Bonds or Notes secured by real estate or good collaterals, for, during, and until A. D. 1885, or until such time as the sum of Eight Hundred Thousand Dollars can be realized out of my personal estate invested as above set forth,*" be and the same is hereby canceled, revoked and annulled, and in lieu, place and stead of the clause so canceled, revoked, annulled and expunged, as last aforesaid, the following clause be inserted and read and taken as part of said Will, viz:

To invest or have invested all income received, and also all moneys realized out of the property I may die seized or possessed of, in either United States, Cook County, Chicago City or prompt paying Railroad Bonds or personal bonds, or Notes well secured by real estate, or good collaterals, or in centrally located Chicago business property, for, during and until A. D. 1885, or until such time as the sum of eight hundred thousand dollars can be realized out of said residuary trust estate. It being my special wish and desire, that said trustees shall keep said estate invested so as to be available whenever it shall prove desirable to erect buildings hereby contemplated, and only to invest in such real estate as will produce an income, and that can be readily disposed of if desirable and necessary.

SEVENTH.

It is my will, that the word "*personal*" be canceled, revoked, annulled and expunged from the following clause in the

fifth section of my said will, viz: "*That then and in that case "they shall proceed as soon thereafter as the times will permit, "and two-fifths (2-5) of my said personal estate will be sufficient to "erect and fully complete a building ready for occupancy as herein-"after specified,*" and that in lieu, place and stead of the word so canceled, revoked, expunged and annulled as aforesaid, the words "RESIDUARY TRUST" be inserted, and read, and taken as a part, and portion of said clause.

EIGHTH.

It is my will, that in case the Judges of the Circuit Court of Cook County, Illinois, cannot or will not act, or in case said Circuit Court shall be abolished, that then and in that case or any of them the judges of any court of record, at that time held in said county of Cook, are empowered and authorized to act in any and all cases where, by the terms and provisions of my said last Will and Testament, the said judges of the Circuit Court of Cook county, Illinois, are required to act.

NINTH.

It is my will, that in case the County Court of Cook County, Illinois, is abolished, or its jurisdiction changed, that then and in that case the annual report required by my said last Will and Testament, to be made "*to the Probate or County Court of Cook County,*" shall then be made to such Court as shall succeed to the Probate jurisdiction of said County Court, or to such other Tribunal or Court, as shall by law be provided in such cases.

TENTH.

It is my Will that the Trustees in said Will named, and the Trustees of said Lewis Institute when the same shall be organized and established, and said trust estate shall pass into their possession, control and ownership: shall take charge of my lot and vault in Rose Hill Cemetery, in the County of Cook and State of Illinois and keep the same at all times in good order and repair.

LASTLY, It is my will that in all other respects, the terms and conditions, and provisions of my said last Will and Testament, of and to which this is declared a Codicil, shall remain unchanged and unaltered, and that the same is hereby ratified and confirmed, and that the executors therein named and appointed, shall be the executors (without bonds), of this codicil thereto.

IN WITNESS WHEREOF, I, ALLEN C. LEWIS, the Testator herein, have executed this Codicil in duplicate, under my hand and seal, at the city of Chicago, in the County of Cook, and State of Illinois, this twenty-fourth day of February, A. D. 1877.

ALLEN C. LEWIS. [*Seal.*]

Subscribed, sealed, published, and declared by the said Allen C. Lewis, the testator, induplicate as and for a codicil to his last will and testament, bearing date June 23, A. D. 1875, and witnessed by Vincent C. McClure, Robert Gentry, and Solomon H. Thompson, in the presence of us, present at the same time, who at the request, and in the presence of, said testator, and in the presence of each other, have hereunto subscribed our names as witnesses.

V. C. McCLURE,
No. 259 Warren Avenue, Chicago.
S. H. THOMPSON,
46 Park Avenue.
ROBERT GENTRY,
Sherman House.

Proved and admitted to record in open court, this 1st day of November, A. D. 1877. M. R. M. WALLACE,
Co. Judge.

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STATE OF ILLINOIS, } ss.
County of Cook. }

THE PEOPLE OF THE STATE OF ILLINOIS, To all persons to whom these presents shall come, *Greeting:*

KNOW YE, That whereas, ALLEN C. LEWIS, late of the County of Cook and State of Illinois, died on or about the twenty-fifth day of October, 1877, as it is said, after having duly made and published his last Will and Testament, and Codicil thereto, a copy whereof is hereunto annexed, leaving at the time of his death property in this State, which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same: and inasmuch as it appears that HENRY F. LEWIS and HUGH A. WHITE have been appointed executors in and by the said last Will and Testament to execute the same, and to the end that the said property may be preserved for those who shall appear to have a legal right or interest therein, and that the said Will may be executed according to the request of said testator, we do hereby authorize them, the said HENRY F. LEWIS and HUGH A. WHITE, as such executors, to collect and secure all and singular the goods and chattels, rights and credits which were of the said ALLEN C. LEWIS at the time of his decease, in whosesoever hands or possession the same may be found, in this State, and well and truly to perform and fulfill all such duties as may be enjoined upon them by the said Will, so far as there shall be property: and the law charge them and in general do and perform all other acts which now are, or may be required of them by law.

WITNESS, HERMANN LIEB, Clerk of the County Court of Cook County, and the seal of said Court, at Chicago, in said County, this first day of November, A. D. 1877.

[L. S.]

HERMANN LIEB,
Clerk.

STATE OF ILLINOIS, }
County of Cook. } ss.

I, ———————————————— Clerk of the County Court of Cook County, in the State aforesaid, do hereby certify that the foregoing fifteen pages is a true and correct copy of the last Will and Testament, and Codicil thereto, of ALLEN C. LEWIS deceased, and of letters testamentary issued thereon, on the first day of November, 1877, to HENRY F. LEWIS and HUGH A. WHITE, now in force, as it appears from the original on file, and from the records of the County Court now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the seal of the County Court of Cook County, at Chicago, in said County, this

day of

A. D. 18—.

———————————————

Clerk.

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